

- 4 -

Assistant Commissioner for PatentsApplication No. 09/773,581

- R E M A R K S / A R G U M E N T S -

Claims 1 to 8, 10 to 13, and 15 to 18 are now in the application.

It is noted that no art has been cited against claims 4 to 6. Indeed, the features recited in dependent claim 4 are not taught or suggested in any of the references uncovered by the Examiner. In view of the foregoing, Application herein submits a new independent claim 16 for the Examiner's consideration, which results from the combination of former claims 1 and 4. New claims 17 and 18 respectively correspond to claims 5 and 6.

Method claim 14 has been deleted without prejudice.

Claims 1 to 15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 1 has been objected to because there is no support in the disclosure for the rail engaging member mounted to the two laterally spaced-apart upright panels. In view of this objection, Applicant has amended page 4 of the disclosure to set forth that the rail engaging member or hanging structure 36 can include a rod 38 and a pair of inverted J-shaped hooks 40 mounted on the rod between opposed ends thereof. The rail engaging member is also defined as corresponding to the hanging structure on page 6, lines 26 to 29. In view of these clarifications, the features recited in independent claim 1 are believed appropriately supported by the disclosure.

Claim 2 has been amended to recite that the rail engaging member is mountable at selected vertically spaced-apart fixed locations along the spaced-apart upright panels.

Claim 4 was objected to as doubly reciting the element that has been set forth in claim 1, i.e. the hook is the same as the rail engaging member. In view of the modification made to the disclosure, it is believed clear that the rail engaging member is used, in some instances, to designate the combination of the rod 38 with the hooks 40.

According to the Examiner, there is no support in the disclosure for the transversal member being rotatable in claim 5. It is respectfully submitted that support for

- 5 -

Assistant Commissioner for PatentsApplication No. 09/773,581

this statement can be found on page 4, lines 20 to 23. Claim 8 was objected to because it was not clear what in the hook configuration does the Applicant intend to set forth when reciting "formation", line 7. The term "formation" has now been removed from claim 8, as being unnecessary.

Claim 15 has been amended to no longer positively recite the vertical surface. Claim 15 was further objected to as lacking appropriate support for the rail engaging member to be mounted to the storage organizer unit. It is respectfully submitted that the rail engaging member (38 and 40) is mounted to the upright panels 24 and 26 forming part of the storage organizer unit. Therefore, claim 15 is believed to be appropriately supported by the disclosure.

Claims 1 to 3, 14 and 15 were rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. 5,309,686 (Underwood et al.).

It is respectfully submitted that Underwood et al. lack any spacer that extends rearwardly from a storage unit at a distance from the rail engaging member thereof for defining a gap (D) behind the storage unit once installed on a rail fixed to a wall (see Fig. 3 of Applicant's application).

The Examiner relies upon United States Patent No. 5,439,123 to show that it is known to use such a spacer. According to the Examiner, Fig. 8 of United States Patent No. 5,439,123 teaches providing a spacer at the rear edge of a panel. It is respectfully submitted that Fig. 8 illustrates a base 36 defining a hole 52 for receiving a projection 96 extending downwardly from a U-shaped section 94 of locator 34 (see column 5, lines 1 to 6). United States Patent No. 5,439,123 does not teach compensating for wall irregularities by providing spacers at the lower end of each compartment for engaging the wall so as to maintain the compartment in a vertical position at a distance (gap) from the wall. By suspending the panels of the compartments at a distance from the wall with discrete points of contact between the compartments and the wall, the mounting of the storage organizer system to the wall is less affected by irregularities or imperfections often present on the wall. Such

- 6 -

Assistant Commissioner for PatentsApplication No. 09/773,581

imperfections could otherwise result in the transmission of additional pulling forces on the rail from which the compartments are suspended. It is respectfully submitted that none of the references cited by the Examiner are concerned with a solution to that particular problem.

In view of the foregoing, Applicant has amended independent claims 1 and 15 to set forth that spacers are provided for defining a gap behind the storage organizer unit once installed on the rail fixed to the wall.

Claims 1 to 3 and 12 to 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,819,958 (Dement) in view of United States Patent No. 4,518,089 (Campbell).

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dement, in view of Campbell and further in view of United States Patent No. 5,678,797 (Gogan).

Finally, claims 9 to 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dement, in view of Campbell and further in view of United States Patent No. 5,439,123 (Nook).

The other above-mentioned references cited by the Examiner under 35 U.S.C. 103(a) do not cure the deficiencies of the primary or secondary references. Thus, for at least these reasons, all the dependent claims are considered patentable over the prior art of record.

Dependent claim 9 has been cancelled, as the subject matter thereof has been basically introduced into amended independent claim 1. The dependency of claims 10 and 11 has been reviewed accordingly.

Dependent claim 12 has been slightly amended to insert the term "angle" after the term "acute" at line 3 of claim 12.

Attached hereto is a marked-up version of the changes made to the disclosure and claims by the current amendment. The attachment is captioned "Version With Markings To Show Changes Made".

- 7 -

Assistant Commissioner for PatentsApplication No. 09/773,581

In view of the foregoing, it is submitted that none of the references relied upon by the Examiner discloses or suggests the presently claimed invention. It is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions, the Examiner is courteously invited to contact the undersigned at the telephone number shown below.


Respectfully submitted,

Raymond ROUTHIER

By:

July 19, 2002

Date

  
Robert Mitchell (Reg. No. 25,007)  
Agent of Record  
OGILVY RENAULT  
1981 McGill College Avenue, #1600  
Montreal, Quebec, Canada H3A 2Y3  
Tel.: (514) 845-7126

Encl. - Version with Markings  
- Extension Request

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the  
U.S. Patent and Trademark Office on the date shown below.

ROBERT MITCHELL, Reg. No. 25,007  
Name of person signing certification

  
Signature

July 19, 2002  
Date

Application No. 09/773,581

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE DISCLOSURE:**

The paragraph beginning at line 7 of page 4 has been amended as follows:

As illustrated in Fig. 2 in connection with compartment 14, each compartment is provided with a rail engaging member or a hanging structure 36 adapted to be engaged with the horizontal rail 20 to retain the associated compartment or unit in a vertical suspended position adjacent the wall W.

**IN THE CLAIMS:**

Claims 9 and 14 have been deleted.

Claims 1, 2, 8, 10, 11 and 15 have been amended as follows:

claim 1  
1. (amended) A storage organizer system comprising a rail adapted to be securely mounted to a substantially flat vertical surface, a storage unit including at least two laterally spaced-apart upright <sup>20</sup>panels having front and rear portions, <sup>22</sup>and at least one rail engaging member mounted to the two laterally spaced-apart upright <sup>22</sup>panels and extending towards the rear, said rail engaging <sup>38</sup>member being adapted to engage the rail for suspending the unit from the rail, and a spacer extending rearwardly from each of said upright panels at a distance from said rail engaging member for defining a gap (D) behind said storage unit once installed on said rail.

2. (amended) A storage organizer system as defined in claim 1, wherein said ~~storage unit engaging portion~~ rail engaging member is ~~adapted to be mounted mountable~~ at selected vertically spaced-apart fixed locations along said at least two spaced-apart upright panels.

8. (amended) A storage organizer system as defined in claim 7, wherein said bracket includes a pair of parallel arms extending from opposed ends of a web member for receiving said corresponding panel therebetween with said web member covering an underlying portion of a rear edge of said corresponding panel, and a hook ~~formation~~ extending rearwardly from said web member for engaging said rail.

Application No. 09/773,581

- 2 -

10. (amended) A storage organizer system as defined in claim 9<sup>1</sup>, wherein said spacer is provided at a bottom end portion of said at least two laterally spaced-apart upright panels.

11. (amended) A storage organizer system as defined in claim 9<sup>1</sup>, wherein said spacer includes a projection extending rearwardly from a rear edge of each of said at least two laterally spaced-apart panels.

12. (amended) A storage organizer system as defined in claim 1, wherein said rail includes first and second legs extending at an acute angle from each other, said first legs defining a number of holes adapted to receive fasteners for horizontally securing said rail to the vertical surface with said second leg projecting upwardly.

15. (amended) A storage organizer system comprising a rail (adapted to be fixed to a vertical surface), a storage organizer unit (for supporting some articles), a rail engaging member mounted to said storage organizer unit and projecting rearwardly therefrom for hanging said storage organizer unit from said rail, and a surface engaging member discrete spacer extending between rearwardly from a lower end portion of said storage organizer unit and the vertical surface at a distance from said rail engaging member for cooperating therewith in supporting said storage organizer unit in a substantially vertical position, with a gap (D) being defined behind said storage organizer unit once installed on said rail.

New claims 16 to 18 has been added as follows.

16. (new) A storage organizer system comprising a rail (adapted to be securely mounted to a substantially flat vertical surface), a storage unit including at least two laterally spaced-apart upright panels having front and rear portions, and at least one rail engaging member mounted to the two laterally spaced-apart upright panels and extending towards the rear, said rail engaging member being adapted to engage the rail for suspending the unit from the rail, wherein said rail engaging member includes a transversal member extending across said at least two laterally spaced-apart upright panels, and at least one hook mounted to said transversal member between said at least two laterally spaced-apart upright panels for engagement with said rail.

Application No. 09/773,581

- 3 -

17. (new) A storage organizer system as defined in claim 16, wherein said transversal member is allowed to rotate about a longitudinal axis thereof relative to said at least two spaced-apart upright panels.

18. (new) A storage organizer system as defined in claim 17, wherein said transversal member is provided in the form of a rod received at opposed ends thereof in first and second circular holes respectively provided in said at least two laterally spaced-apart panels.